

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JANUARY 29, 2002 AT 10:00 A.M.  
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**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JANUARY 29, 2002 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS - 12TH FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

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**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

ITEM-300:               ROLL CALL.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

## ADOPTION AGENDA, HEARINGS

### NOTICED HEARINGS:

ITEM-330: Sunroad At San Diego Spectrum - Initiation Of An Amendment To The Development Agreement.

Matter of approving, conditionally approving, modifying or denying an Initiation of an amendment to the Development Agreement between the City of San Diego and General Dynamics Properties, Inc. The proposed development agreement amendment by and between the City of San Diego and Sunroad Centrum Partners, L.P. would allow Sunroad to develop additional residential dwelling units within the San Diego Spectrum project. Sunroad's property within San Diego Spectrum (formerly General Dynamics) is located in the community of Kearny Mesa east of Kearny Villa Road, south of Lightwave Avenue, west of Paramount Drive, and north of Spectrum Center Boulevard.

(See City Manager's Report CMR-02-019. 41-0101. Kearny Mesa Community Plan Area. District-6.)

### CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution initiating the process of amending the General Dynamics Development Agreement:

(R-2002-925)

Adoption of a Resolution authorizing the City Manager to initiate an amendment to the General Dynamics Development Agreement.

### OTHER RECOMMENDATIONS:

Planning Commission on December 6, 2001, voted unanimously (6 - 0) to recommend City Council initiation of an amendment to the General Dynamics Development Agreement. The Planning Commission also provided direction regarding the application of population-based park requirements to new residential development at San Diego Spectrum; no opposition.

Ayes: Stryker, Garcia, Anderson, Lettieri, Schultz, Brown  
Not present: Butler

The Kearny Mesa Community Planning Group on November 21, 2001, voted 9-0-1 to recommend that the City's standard population based park requirements be studied to determine if they are appropriate for higher density residential infill projects.

### CITY MANAGER SUPPORTING INFORMATION:

#### Background

The original New Century Center project was approved by the City Council on December 2, 1997, allowing General Dynamics (the original owner) to develop a high-density mixed-use retail, commercial and industrial business park on 242-acres centrally located within the community of Kearny Mesa. A Development Agreement (D.A.) between the City of San Diego and General Dynamics was approved concurrently with the New Century Center project.

In 1998, the D.A. was revised when LNR Kearny Mesa, Inc. purchased the New Century Center project from General Dynamics. In October of 2000, the D.A. was revised once again when the City Council approved LNR's San Diego Spectrum project, allowing for a wide variety of land use changes including the development of a 448-unit multi-family residential project on Planning Area 3B.

During public hearings to consider the San Diego Spectrum project, an additional 550 residential dwelling units were approved pursuant to direction from both the Planning Commission and City Council, who recommended additional residential development at higher densities within San Diego Spectrum. The additional 550 units were allocated to Planning Areas 1B (to be predominantly residential), 1A, 2B, and 3A. In addition to the 550 additional units, the Planning Commission and City Council also encouraged more residential development throughout the San Diego Spectrum project in the future. Existing population-based park standards were not applied to either the 448 multi-family dwelling units nor the 550 additional units. These 998 units would generate a need for 6.0 acres of park land and facilities per the General Plan Standards.

In February of 2001, in response to encouragement from the City to provide residential at San Diego Spectrum, Sunroad Centrum Partners submitted an application to amend the Progress Guide and General Plan and new Century Center Master Plan to construct additional housing units within San Diego Spectrum. On April 5, 2001, the Planning Commission initiated the plan amendment process.

#### Development Agreement Amendment

City Council Policy 600-37 requires City Council initiation of a development agreement amendment prior to negotiations. Residential development beyond the 448 units approved for LNR is not currently assumed within the D.A., therefore an amendment to the D.A. is required. The proposed modifications to the D.A. will allow Sunroad to develop up to an additional 1,120 dwelling units (550 + 570) on Subareas 1A, 2B, and 3A.

**FISCAL IMPACT:** All costs associated with the processing of this project are paid from a deposit account maintained by the applicant. The Extraordinary Benefits required through the original Development Agreement will continue to be assured through the amended Development Agreement.

**ENVIRONMENTAL IMPACT:** This activity (Development Agreement Amendment initiation) is not a "project" and therefore is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3). City staff is currently in the process of drafting a Mitigated Negative Declaration, which will be processed with the proposed Sunroad project if the Development Agreement amendment process is initiated.

## **LEGAL DESCRIPTION:**

Sunroad's property within the San Diego Spectrum project is located east of Kearny Villa Road, south of Lightwave Avenue, west of Paramount Drive, and north of Spectrum Center Boulevard, and is more particularly described as Parcel 1 and 2 of Parcel Map 18574.

## **ADOPTION AGENDA, HEARINGS**

### **NOTICED HEARINGS:**

ITEM-331: Canonlands.

Matter of approving, conditionally approving, modifying or denying a project to subdivide a 2.42-acre site into six parcels to construct six custom single-family residences located at the northeast side of Canon Street between Willow Street and Del Mar Avenue in the Peninsula Community Plan area. Since the City of San Diego has taken over jurisdiction of Canon Street from the State a street reservation vacation for a portion of the site is now required.

(See City Manager's Report CMR-02-020. SDP/PDP/TM/Street Reservation Vacation-40-0219. Peninsula Community Plan Area. District-2.)

## **CITY MANAGER'S RECOMMENDATION:**

Adopt the resolution in subitem A to grant the Map and Street Reservation Vacation; adopt the resolution in subitem B to grant the permit; and adopt the resolution in subitem C:

Subitem-A: (R-2002- )

Adoption of a Resolution granting or denying Tentative Map, TM-40-0219; and pursuant to Municipal Code section 125.0430 and California Government Code section 66434(g), vacating a Street Reservation as shown in Parcel 1 of Parcel Map 18625, reserved per Map 2726, contingent upon the recordation of the approved Final Map for the project, in accordance with the Subdivision Map Act Section 66477.2(e).

Subitem-B: (R-2002- )

Adoption of a Resolution granting or denying Site Development/Planned Development Permit No. 40-0219, with appropriate findings to support Council action.

Subitem-C: (R-2002-989)

Adoption of a Resolution certifying that the information contained in Revised Mitigated Negative Declaration LDR No. 40-0219 has been completed in

compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of the land use actions for the Canonlands development;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Revised Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

#### **OTHER RECOMMENDATIONS:**

Planning Commission on November 1, 2001, voted 5 - 0 to approve staff's recommendations; was opposition.

Ayes: Garcia, Stryker, Anderson, Brown, Lettieri

Recusing: Butler

Not present: Schultz

The Peninsula Community Planning Group on February 15, 2001, voted 12-0-0 to recommended approval of the project.

#### **CITY MANAGER SUPPORTING INFORMATION:**

##### **PROJECT DESCRIPTION**

The project site is a vacant, undeveloped 2.42-acre parcel located on the northeast side of Canon Street (State Route 209) between Willow Street and Del Mar Avenue in the Peninsula Community Planning Area. The property is zoned RS-1-4 with a build out capacity of 10.5 units for the site. The Peninsula Community Plan's land use designation for the site is single family residential with a maximum density of 4 dwelling units per acre. The proposed 6 single-family residences equals a residential density of 2.48 dwelling units per acre which is consistent with the community plan. Surrounding land uses are predominantly single-family residential development.

**FISCAL IMPACT:** All costs associated with this project are paid by the applicant.

**HOUSING AFFORDABILITY IMPACT:** Canonlands is a six unit custom home project on a previously vacant site. This project will have no impact on housing affordability. It will have a minor positive impact on housing supply.

**TRAFFIC IMPACT:** This project is expected to generate approximately 60 Average Daily Trips. As a feature, the project proposes to replace the existing acceleration lane in the middle of Canon Street between Del Mar Avenue and the project driveway to a two-way left turn lane which can be used by vehicles turning left into the project site as well as traffic turning left from Del Mar Avenue to Canon Street.

Ewell/Christiansen/PXG

**LEGAL DESCRIPTION:**

The project site is located on the northeast side of Canon Street (State Route 209) between Willow Street and Del Mar Avenue in the Peninsula Community Planning area and is more particularly described as Lots 2 and 3 of Fleetridge Unit No. 5, Resubdivision of Lot 209, According to Map thereof No. 5365.

**ADOPTION AGENDA, HEARINGS**

**NOTICED HEARINGS:**

ITEM-332: Torrey View Estates.

Matter of approving, conditionally approving, modifying or denying a request for a Vesting Tentative Map, Rezone, Site Development Permit and Planned Development Permit to subdivide an existing 11.85 acre residential property into eight lots of a minimum one acre each for future development of custom single family homes. The project site is located on the south side of Arroyo Sorrento Road between Tierra Del Sur and Arroyo Sorrento Place, in the Carmel Valley Community Plan area. The project proposes to rezone the property from AR-1-1 (Agricultural-Residential minimum 10 acre lots) to AR-1-2 (Agricultural-Residential minimum 1 acre lots).

(Continued from the meeting of January 15, 2002, Item 333, at the request of Councilmember Peters to meet with developers, the Carmel Valley Community Planning Board, and interested parties regarding the walking trail.)

**NOTE:** Public Testimony was taken on January 15, 2002. The Public Testimony portion of the hearing is open.

(VTM/PDP/SDP/RZ-40-0197. Carmel Valley Community Plan Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolution in subitem A; adopt the resolution in subitem B to grant the map;

adopt the resolution in subitem C to grant the permits; and introduce the ordinance in subitem D:

Subitem-A: (R-2002-929) Cor. Copy

Adoption of a Resolution certifying that the information contained in Revised Mitigated Negative Declaration LDR-40-0197 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California code of Regulations section 15000 et seq.), that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Torrey View Estates project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Revised Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002- )

Adoption of a Resolution granting or denying Tentative Map TM-40-0197, with appropriate findings to support Council action.

Subitem-C: (R-2002- )

Adoption of a Resolution granting or denying Planned Development Permit/Site Development Permit No. 40-0197, with appropriate findings to support Council action.

Subitem-D: (O-2002-73) Cor. Copy

Introduction of an ordinance changing 11.85 acres located at 4049 Arroyo Sorrento Road on the south side of the road between Tierra Del Sur and Arroyo Sorrento Place, in the Carmel Valley Community Plan area, from the AR-1-1 zone into the AR-1-2 zone, as defined by San Diego Municipal Code Section 131.0404; and repealing Ordinance O-10936 (New Series), adopted October 5, 1972, of the ordinances of the City of San Diego insofar as the same conflicts herewith.



## **OTHER RECOMMENDATIONS:**

Planning Commission on November 15, 2001, voted 5-0-0 to recommend approval of the project as proposed and conditioned. The Planning Commission also directed staff to advise the City Council of their concern that the potential public connection from Arroyo Sorrento Road to the open space south of the project site would be lost with approval of this project because there is no mechanism for the City to require the applicant to provide such a connection; was opposition.

Ayes: Stryker, Garcia, Lettieri, Brown, Butler  
Not present: Anderson, Schultz

The Carmel Valley Community Planning Board on February 15, 2001, voted 12-0-0 to submit a letter with their concerns and conditions of approval for the project. The project was redesigned by the applicant and now satisfies most of the Planning Board's concerns. Two issues remain: 1) the Planning Group has requested that pedestrian access be provided through the Torrey View Estates property to allow neighboring residents to access the open space area immediately south of the project site. The applicant has not proposed such an access, nor is it a requirement of the City Land Development Code or the Carmel Valley Community Plan; and 2) the Planning Board requested that no more than two of the five proposed homes along Arroyo Sorrento Road would have "front loaded" garages, facing the street. The project as currently designed and conditioned does not require this, although a maximum 2-car width garage would be allowed along Arroyo Sorrento Road.

## **CITY MANAGER SUPPORTING INFORMATION:**

### **BACKGROUND**

The Torrey View Estates project proposes to subdivide an existing 11.85 acre residential property in the Carmel Valley Community Plan area into eight (8) lots of a minimum one acre each for future development of 8 custom single-family residences. The project site is located at 4049 Arroyo Sorrento Road on the south side of the road between Tierra Del Sur and Arroyo Sorrento Place. The property is currently zoned AR-1-1 (Agricultural-Residential, minimum 10 acre lots). The project proposes to rezone the property to AR-1-2 (Agricultural-Residential, minimum 1 acre lots) to allow the creation of the 8 proposed lots. On May 1, 1996, Hillside Review and Grading Review Permit No. 94-0277 was issued for the project site to allow development of a 5,000 square-foot, one-story single family home with swimming pool, plus 10,000 square-foot croquet court and garden area with a 750 square-foot gazebo. Grading has commenced under that permit, and the project site has also been used as a construction staging area for the adjacent project to the east (Torrey Woods Estates). An existing flood water storage easement and desiltation basin and access easement have been developed on site by the developer to the east, Torrey Pines Home Building Company, and shall be maintained by that developer. Other than these improvements, the project site is vacant.

As biological resource mitigation for Hillside Review Permit (HR) No. 94-0277, 4.11 acres of

the site were to be dedicated as open space. However, only 3.75 acres were actually dedicated per the recorded easements. The proposed Torrey View Estates project would amend and rededicate a total of 4.11 acres into open space easement for biological resources mitigation on-site, as required.

Surrounding land uses include the residential development (Torrey Woods Estates) to the east, multi-family residential units to the south (Loma Sorrento), a single family home with horse corrals and greenhouse to the west, and vacant land to the north.

The project site contains steep slopes and sensitive habitats. A Site Development Permit is therefore required for the project in accordance with the Environmentally Sensitive Lands Regulations. Access to three of the eight proposed lots would be via a gated private driveway off of Arroyo Sorrento Road. Due to the proposed frontage on the private driveway in lieu of a public right-of-way, a Planned Development Permit is required for the project.

### PROJECT DESCRIPTION

The proposed Torrey View Estates project includes a request for a Vesting Tentative Map, Planned Development Permit, Site Development Permit and a Rezone from AR-1-1 to AR-1-2 to create eight (8) custom home lots of a minimum one acre in size each. The eight proposed lots range in size from 1.0 acres to 3.30 acres. Each lot would provide a minimum of four parking spaces on site. The proposed project includes Design Guidelines for development of the custom homes, which would range in size from 2,800 square feet to 6,500 square feet. The lots would be sold and developed separately, and there are no specific development proposals at this time. Design of the custom homes would be in accordance with the Design Guidelines. Conformance with the Design Guidelines would be determined by staff through a Substantial Conformance Review process prior to issuance of building permits, as required in the draft Permit. The Design Guidelines specify architectural characteristics and styles designed to ensure quality development that is compatible with the surrounding neighborhood and environmentally sensitive. Permitted architectural styles include French Country, Spanish Colonial, English Country, Italian, and Tuscan, as presented in the Design Guidelines.

Vehicular access to three of the eight lots (Lots 6-8) would be via a gated private driveway off of Arroyo Sorrento Road. The proposed gate is in compliance with Council Policy 600-42 for controlled access. Access to Lots 1-5 would be directly from Arroyo Sorrento Road and would be in conformance with the zone requirements.

Grading is proposed to create the custom home lots, in addition to grading that is already occurring pursuant to HR-94-0277. Currently, approximately 57% of the site has been disturbed by grading. An additional 7% of the site would be graded with the proposed project. Approximately 2,500 cubic yards of cut and 37,000 cubic yards of fill are proposed, with a net import amount of 34,500 cubic yards. Grading has been designed to minimize the impact to natural landforms and the custom home sites have been located so as to minimize the environmental and visual impact of the future homes. As a condition of the permit, the elevation of the pads along Arroyo Sorrento Road shall not be increased.

The proposed project includes an amendment and rededication to the City's open space preserve. As a condition of the previous HR-94-0277, a total of 4.11 acres of undisturbed land was to have

been placed into three dedicated open space easements as mitigation for biological impacts of the approved single family project. However, only 3.747 acres of the site were actually dedicated. To correct this situation, the currently proposed project would rededicate the open space easements to achieve the total required amount of 4.11 acres.

**HOUSING AFFORDABILITY IMPACT:**

The proposed residential project is not required to provide an affordable housing component due to its location within a "planned urbanizing" rather than a "future urbanizing" community. Other issues related to housing affordability such as demolition of rental housing are not applicable to the vacant property and relatively small number of market-rate dwelling units proposed.

**TRAFFIC IMPACT:**

The Torrey View Estates project is estimated to generate approximately 80 average daily trips (ADT). Twenty (20) of these trips are estimated to occur on Interstate 5 south of State Route 56, which has an estimated near-term volume of 262,020 ADT. CalTrans is planning to widen Interstate 5 to provide 10 additional lanes south of State Route 56 to be completed by 2004.

**FISCAL IMPACT:**

None with this action.

Ewell/Christiansen/VLG

**LEGAL DESCRIPTION:**

The project site is located on the south side of Arroyo Sorrento Road between Tierra Del Sur and Arroyo Sorrento Place, in the Carmel Valley Community Plan area and is more particularly described as Lot 6 of Sorrento Estates, Map 8735, in the City of San Diego, County of San Diego.

**ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS**

**COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS,  
ORDINANCE TO BE INTRODUCED:**

ITEM-333: Ethics Commission Policies and Procedures.

(See Executive Director's memos dated 1/16/2002 and 1/4/2002.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2002-74)

Introduction of an Ordinance amending the San Diego Municipal Code by

amending Chapter 2, Article 6, Division 4, by amending Sections 26.0401, 26.0402, 26.0404, 26.0405, 26.0406, 26.0407, 26.0408, 26.0409, 26.0410, 26.0411, 26.0412, 26.0413, 26.0414, and 26.0415; and by adding Sections 26.0420, 26.0421, 26.0422, 26.0423, 26.0424, 26.0425, 26.0430, 26.0431, 26.0432, 26.0435, 26.0436, 26.0437, 26.0438, 26.0439, 26.0440, 26.0443, 26.0445, 26.0447, 26.0450, 26.0455, and 26.0456; and by reserving for future use Sections 26.0426, 26.0427, 26.0428, 26.0429, 26.0433, 26.0434, 26.0441, 26.0442, 26.0444, 26.0446, 26.0448, 26.0449, 26.0451, 26.0452, 26.0453, and 26.0454; by amending Chapter 2, Article 7, Division 1, Section 27.0103; by amending Chapter 2, Article 7, Division 29, Section 27.2963; by amending Chapter 2, Article 7, Division 29, Section 27.2971; and by amending Chapter 2, Article 7, Division 40, Section 27.4027; all relating to Creating Investigation and Enforcement Procedures for the City of San Diego Ethics Commission.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 1/9/2002, RULES voted 5-0 (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea) to approve the proposed investigation and enforcement procedures (Rev. 1/4/2002).

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**